

**TENTH DAY.**

Senate Chamber,  
Austin, Texas.  
February 9, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.	Woodward.
Woodul.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodruff.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Senators Excused.**

On motion of Senator Rawlings, Senator Woodward was excused for the day on account of important business.

On motion of Senator Redditt, Senator Woodul was excused for the day on account of important business.

**H. C. R. No. 11.**

The Chair laid before the Senate H. C. R. No. 11, granting Sam Tobolowsky permission to sue the State.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was adopted.

Senator Poage was recorded as voting "no" on the resolution.

**H. C. R. No. 4.**

The Chair laid before the Senate H. C. R. No. 4, granting O. B. Hamilton permission to sue the State.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was adopted.

Senator Poage was recorded as voting "no" on the resolution.

**H. C. R. No. 14.**

The Chair laid before the Senate H. C. R. No. 14, granting N. W. Buchanan permission to sue the State.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was adopted.

Senator Poage was recorded as voting "no" on the resolution.

**H. C. R. No. 16.**

The Chair laid before the Senate H. C. R. No. 16, granting Jack Williams permission to sue the State.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was adopted.

Senator Poage was recorded as voting "no" on the resolution.

**H. C. R. No. 1.**

The Chair laid before the Senate H. C. R. No. 1, granting permission to Maney and Alley to sue the State.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was adopted.

Senator Poage was recorded as voting "no" on the resolution.

**Senate Simple Resolution No. 12.**

Senator Rawlings sent up the following resolution:

Whereas, The President of the United States in his selection of executives has seen fit to honor many outstanding citizens of Texas by appointing them to high positions of trust in the administration of our National Government; and

Whereas, Among those whom he has so signally honored is one whose capabilities and keen insight into governmental affairs are recog-

nized throughout the breadth of the land; and

Whereas, With the appointment of Doctor Walter Marshall William Splawn as a member of the Interstate Commerce Commission, Texas has received a distinct honor at the hands of the National Administration; and

Whereas, Doctor Splawn, who was born in Arlington, Texas, has been an outstanding educator since 1906, holds numerous degrees from recognized colleges and universities of this country, is a prominent lawyer, an expert in the field of economics and in research in the social sciences; has held the position of Chairman of the Federal Board of Arbitration; was Referee under Settlement of War Claims Act from 1928 to 1930; is a former member of the Railroad Commission of Texas; a former President of the University of Texas; has served as Special Counsel to the Committee on Interstate and Foreign Commerce of the United States House of Representatives; and is eminently qualified to serve with distinction in the capacity to which he was recently appointed;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the Forty-third Legislature of Texas, express to the Honorable Franklin D. Roosevelt, President of the United States, its appreciation and approval of the appointment of the Honorable Walter Marshall William Splawn to membership on the Interstate Commerce Commission;

BE IT FURTHER RESOLVED, That a copy of this resolution, as enrolled by the Senate, be forwarded to the President, and that an additional enrolled copy be forwarded to the Honorable Walter Marshall William Splawn, Washington, D. C.

The resolution was adopted.

#### H. C. R. No. 9.

The Chair laid before the Senate H. C. R. No. 9, requesting Post Office Department to issue stamps of certain design.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was adopted.

#### S. C. R. No. 13.

Senator Greer sent up the following resolution:

Whereas, The State of Texas con-

structed what is known as State Highway No. 32 and Federal Highway No. 75, which runs between the town of Angus and the town of Richland in Navarro County, Texas, and to the west of the property of E. A. Eliot and wife; and

Whereas, They claim that their property and crops have been damaged by virtue of overflows during the years of 1931, 1932, and 1933, the property of said plaintiffs being 96 acres of land out of the Upper John White survey in Navarro County; and

Whereas, The said State Highway Commission contends that suit cannot be maintained against the said State Highway Commission without the permission of the Legislature of the State of Texas; and

Whereas, The Legislature of the State of Texas does not admit that the said plaintiffs in said suit have a valid or just claim against the State Highway Commission for compensation against their property for damages to their crops for the years 1931, 1932, and 1933; and

Whereas, It is the sense of this Legislature that no citizen of this State, who has a valid or just claim against the State Highway Commission or the State of Texas, shall be deprived of his opportunity to establish or enforce such claim by reason of any constitutional inhibition; and whereas suit has been brought in the District Court of Navarro County, Texas, the original petition having been filed on September 12, 1931, and service having been had, and whereas, amended petitions have been filed including damages to said property and crops for the years of 1931, 1932, and 1933, and whereas, said E. A. Eliot and his wife, Mrs. Hattie Eliot, have never been compensated for the damages to their property and crops;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, the House of Representatives concurring, That E. A. Eliot and wife, Mrs. Hattie Eliot, be and they are hereby granted permission to bring and continue said suit for their damages to their property and crops for said years above mentioned against the State Highway Commission and the State of Texas, in the District Court of Navarro County, Texas, in order to determine compensation for damages received, if any they can show, and that service of citation or other

necessary process may be had upon the said State Highway Commission and the Attorney General with the same force and effect as in civil cases.

Read and referred to the Committee on State Affairs.

### Free Conference Report

Senator Oneal sent up the following Free Conference report:

Committee Room,  
February 8, 1934.  
Austin, Texas,

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on House Bill No. 6, beg leave to submit the following report:

We have had House Bill No. 6 under consideration, and recommend the adoption of the attached bill, as rewritten by your Conference Committee.

Respectfully submitted,

ONEAL,  
POAGE,  
PURL,  
SANDERFORD,

On the part of the Senate;

PATTERSON,  
McKEE,  
MOFFETT,  
POPE,

On the Part of the House.

By Morse, et al. H. B. No. 6.

### A BILL

#### To Be Entitled

An Act amending Section 3 of Chapter 88, General Laws, Second Called Session of the Forty-first Legislature; providing for form of application for registration of motor vehicles; providing any owner of a vehicle previously registered in any State for the preceding or current year may, in lieu of filing an application, present license receipt and transfer receipts; providing for making of affidavit for application if owner has lost registration receipt or transfer; providing for annual registration of vehicles in use of the United States Government, State of Texas, county or city thereof; providing for exemption of payment of license fees on said vehicles and school

buses; providing for registration of new vehicles for unexpired portion of year; providing for temporary use of a new vehicle under a dealer's license number; defining "motor vehicle registration year;" providing that application for license shall be made not later than April 1 of each year; amending Section 4, Chapter 88, General Laws of the Second Called Session, Forty-first Legislature; providing for proportionate payment for registration for a period less than one year, beginning with the motor registration year of 1934; providing the motor vehicle registration fees paid on or before January 31, 1934, shall be good to and including March 31, 1935; providing that all fees paid after January 31, 1934, and on or before April 1, 1934, shall be without penalty and the license shall relate back to January 1, 1934, and shall be good to and including March 31, 1935; providing that tax collectors and other officials who have collected or hold penalties on registration or license fees paid after January 31, 1934, are authorized and instructed to refund same if application therefor and refund is made by March 15, 1934, and requiring such officials to make reports of such refunds; providing that compliance by any person entitled to the benefits of this Act with its terms may be proved as a defense to prosecution for any act committed on or before April 1, 1934, which would otherwise be unlawful under Sections 14-b, 14-d, or 14-e of Chapter 88, General Laws of the Second Called Session, Forty-first Legislature; repealing from and after April 1, 1934, Sections 14-a, 14-b, 14-c, 14-d, and 14-e of Chapter 88 of the General Laws of the Second Called Session, Forty-first Legislature; and saving all convictions and prosecutions for violations of said Section committed before April 1, 1934, in full force and effect; making it a misdemeanor for any person to operate a passenger car, commercial motor vehicle, or truck-tractor on public highways during any month of motor vehicle registration year without having attached to and displayed thereon two license number plates, on rear

and on front, lawfully assigned for said vehicle for that current year; providing this provision shall not apply to dealers operating vehicles under present provisions of the law; providing any person agreeing with a commissioners' court or any officer or agent of any county that he will register any motor vehicle in said county in consideration of the use of funds so collected for the purchase of any property or in consideration of any other act by said court or county officer shall be guilty of bribery and subject to the same penalties as now provided by law for the offense of bribery; providing the registration of each vehicle shall constitute a separate offense and the agreement and/or conspiracy to register shall constitute a separate offense; providing that persons, firms, or corporations making such agreement may be restrained by injunction; and making it a misdemeanor for any person to operate a road-tractor, motorcycle, trailer, or semi-trailer on the public highways during any month of a motor vehicle registration year without having attached to and displayed on rear thereof a license number plate lawfully assigned therefor for that current year; and making it a misdemeanor for any person to operate any motor vehicle, trailer, or semi-trailer on the highways on or after April 1 of any motor vehicle registration year with license plate or plates for any preceding year attached or displayed; and providing a fine in any sum not exceeding Two Hundred Dollars (\$200) for conviction of any one of such misdemeanors, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section Three (3) of Chapter 88, General Laws, Second Called Session, Forty-first Legislature, be amended so as to hereafter read:

"Application for the registration of a vehicle required to be registered hereunder shall be made on a form furnished by the Department, each such application shall be signed by the owner of the vehicle and shall give his name and address in full, and shall contain a brief description

of the vehicle to be registered. Said description, in case of a new motor vehicle, shall include: the trade name of the vehicle; the year model; the style, type of body and the weight, if a passenger car, or the net carrying capacity and gross weight if a commercial motor vehicle; the motor number; the date of sale by manufacturer or dealer to the applicant. The application shall contain such other information as may be required by the Department. It is expressly provided, however, that the owner of a vehicle previously registered in any State for the preceding or current year may in lieu of filing an application as hereinbefore directed, present the license receipt and transfer receipts, if any, issued for the registration or transfer of the vehicle for the preceding calendar year, and said receipt or receipts shall be accepted by the county tax collector as an application for the renewal of the registration of the vehicle, provided said receipts show that the applicant is the rightful owner thereof. Provided, however, that should an owner or a claimed owner of a motor vehicle or automobile offer to register same but has lost or misplaced the registration receipt or transfer, then upon his furnishing satisfactory evidence to the tax collector by affidavit or otherwise that he is the real owner of same, then shall it become the duty of the tax collector to issue him license therefor. It shall be the duty of the tax collector to date each registration receipt issued for a vehicle the same date that application is made for registration of such vehicles. Owners of motor vehicles, trailers and semi-trailers, which are the property of, and used exclusively in the service of the United States Government, the State of Texas, or any county or city thereof, shall apply annually to register all such vehicles, but shall not be required to pay the registration fees herein prescribed provided that affidavit is made at the time of registration by a person who has the proper authority that such vehicles are the property of and used exclusively in the service of the United States Government, the State of Texas, or county or city thereof. All school buses owned by any school district and operated under the supervision of any public school board in Texas, used exclusively for the transporta-

tion of children to and from school, shall be exempt from registration fees. Application shall be made for the registration of a new vehicle for the unexpired portion of the year in which it is acquired before it is operated on the public highways; except that a new vehicle may be operated temporarily by a dealer under a dealer's license number or by its purchaser under a special dealer's card board number as provided in Chapter 211, General and Special Laws of the Regular Session of the Fortieth Legislature. The year for the purpose of registration of motor vehicles shall be April 1 to March 31 (both inclusive) of the next succeeding calendar year, and may be referred to as the 'Motor Vehicle Registration Year,' and current year where used in the statutes relating to payment of registration fees shall mean that motor vehicle registration year. Application for the renewal of registration of a vehicle and for each chauffeur's license for any motor vehicle registration year shall be made not later than April 1 of such year."

Sec. 2. That Section 4, Chapter 88, General Laws of Second Called Session, Forty-first Legislature, be amended so as to hereafter read:

"Each application filed hereunder for registration or for chauffeur's license during April shall be accompanied by the full amount of the annual fee if the vehicle was operated on the public highways or streets during any part of April of that year, each application for re-registration filed during May or any subsequent month of that motor vehicle registration year, shall be accompanied by affidavit that such vehicle has not been previously operated upon the highways of this State during any portion of the current year and shall be accompanied by eleven-twelfths, ten-twelfths, nine-twelfths, eight-twelfths, seven-twelfths, six-twelfths, five-twelfths, four-twelfths, three-twelfths, two-twelfths, or one-twelfth respectively of the annual fee. This Section shall be in force beginning with the Motor Registration year 1934 and all succeeding years."

Sec. 3. Every motor vehicle registration or license fee paid and chauffeur's license fee paid on or before January 31, 1934, for the calendar year, shall be good and valid until and including March 31,

1935, as if originally issued for such term and all 1934 license plates may lawfully be used for such term.

Every registration fee or license fee paid after January 31, 1934, and on or before April 1, 1934, shall be the full fee for a year as provided by statute, but without penalty; and the license issued upon such payment shall relate back to January 1, 1934, and be good to and including March 31, 1935.

All tax collectors and other officials who may have collected or may hold penalties on registration or license fees paid after January 31, 1934, are hereby authorized and instructed to refund to the person paying said penalty the amount of said penalty, providing that application must be made for and said refund made by March 15, 1934. Each collector or other official making such refund shall make with his reports now required by law on the collection of registration and license fees a detailed statement to become part of such report, showing the following: name of person paying penalty, date of payment, amount of payment, name of person to whom refund was made, date of refund, amount of refund.

The compliance by any person entitled to the benefits of this Act with the terms hereof when pleaded and proved to the satisfaction of the court or jury trying the case, shall be a defense to any criminal prosecution for any act committed on or before April 1, 1934, which otherwise would be unlawful under Section 14-b, Section 14-d, or Section 14-e, of Chapter 88 of the General Laws of the Second Called Session, Forty-first Legislature.

Sec. 4. From and after April 1, 1934, Section 14-a, Section 14-b, Section 14-c, Section 14-d, and Section 14-e, of Chapter 88, of the General Laws of the Second Called Session, Forty-first Legislature, shall be and are hereby repealed; provided that all convictions and prosecutions for violations of said Sections committed before April 1, 1934, are hereby saved in full force and effect as if this Section were not enacted into law.

Sec. 5. Any person who operates a passenger car or a commercial motor vehicle or truck-tractor upon the public highways of this State any time during any month of a motor vehicle registration year with-

out having displayed thereon and attached thereto two license number plates, one plate at the front and one at the rear, which have been duly and lawfully assigned for said vehicle for the current year, shall be guilty of a misdemeanor; this shall not apply to dealers operating vehicles under present provisions of the law.

Sec. 5-a. Any person who shall directly or indirectly enter into any agreement with a commissioners' court of any county in the State of Texas, or any officer or agent of said court or county, that he will register or cause to be registered any motor vehicle, trailer or semi-trailer, in said county in consideration of the use by said county of the funds derived from said registration in the purchase of any property of any kind or character, or in consideration of anything or any act to be done or performed by the commissioners' court, or any of its agents or officers or any county officer, shall be guilty of a bribery and shall be subject to the same penalty as provided by law for the offense of bribery. The registration of each separate vehicle shall constitute a separate offense. The agreement and/or conspiracy to register shall constitute a separate offense. Any person, firm, or corporation who shall make agreements as provided herein, or seek to make such agreements, shall be restrained by injunction by the county or district attorney of the county in which said motor vehicle is registered, or upon application of the Attorney General of the State of Texas.

Sec. 6. Any person who operates a road-tractor, motorcycle, trailer, or semi-trailer upon the public highways of this State any time during any month of a motor vehicle registration year without having attached thereto and displayed on the rear thereof, a license number plate duly and lawfully assigned therefor for the current year shall be guilty of a misdemeanor.

Nothing herein contained shall be construed as changing or repealing any law with reference to any requirement to pay or not to pay a license or registration fee or the amount thereof not expressly enumerated in Sections 1, 2, and 3 hereof.

Sec. 7. Any person operating any motor vehicle, trailer, or semi-trailer upon the highways of this State on and after April 1st of any motor ve-

hicle registration year with license plate or plates for any preceding year attached or displayed, shall be deemed guilty of a misdemeanor.

Sec. 8. Any person convicted of a misdemeanor for a violation of Section 5, Section 6, or Section 7 of this Act shall be fined in any sum not exceeding Two Hundred Dollars (\$200).

Sec. 9. The fact that annual motor vehicle registration and license fees are now required to be made each year in January, and that many other taxes, State, county, and city, fall due in that month, thus placing an unduly heavy tax burden on the taxpayers in that month, and the further fact that many owners of motor vehicles were not able this year to pay the annual fees before date of accrual of penalties, create an emergency and an imperative public necessity that the Constitutional rule, requiring bills to be read on three several days in each House, be suspended, in order that this Act shall take effect and be in full force and effect from and after its passage and said rule is hereby suspended, and it is so enacted.

The report was adopted by the following vote:

Yeas—25.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Oneal.	

Nays—3.

Holbrook.	Pace.
Murphy.	

Absent—Excused.

Fellbaum.	Woodward.
Woodul.	

Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 9, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 11, Granting permission to the District Judges of the several Criminal District Courts of Texas to be absent from the State of Texas at such intervals and for such time as they see fit, while their respective courts are in vacation.

S. C. R. No. 12, Relative to payment of appropriations to Valley Conservation and Reclamation District.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### At Ease.

On motion of Senator Purl the Senate, at 10:43 o'clock a. m., stood at ease until 11 o'clock a. m.

#### In Session.

The Senate was called to order, pursuant to standing at ease, at 11:08 o'clock a. m., by Lieutenant Governor Edgar E. Witt.

#### Recess.

On motion of Senator Purl the Senate at 11:10 o'clock a. m., recessed until 3 o'clock p. m., today.

#### Afternoon Session.

The Senate was called to order pursuant to recess, at 3 o'clock p. m., by President Pro Tem Frank H. Rawlings.

#### Resolutions Signed.

The Chair, President Pro Tem Frank H. Rawlings, gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

S. C. R. No. 11.

S. C. R. No. 12.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 9, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on House Bill No. 6 by a vote of 122 ayes and 3 nays.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bill Signed.

The Chair, President Pro Tem Frank H. Rawlings, gave notice of signing and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 6.

#### At Ease.

On motion of Senator Martin, the Senate at 3:15 o'clock p. m., stood at ease, subject to the call of the Chair.

#### In Session.

The Senate was called to order by President Pro Tem Frank H. Rawlings, at 3:42 o'clock p. m.

#### Adjournment.

On motion of Senator Pace, the Senate at 3:45 o'clock p. m., adjourned until 10 o'clock a. m., Monday.

#### APPENDIX.

##### Committee on Enrolled Bills.

February 9, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 11 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

February 9, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 12 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

#### ELEVENTH DAY.

Senate Chamber,  
Austin, Texas,  
February 12, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.  
Blackert.

Collie.  
Duggan.